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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
29/120,515	11/09/98	GEBAUER	N 33012/246

WM21/1228

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EXAMINER

ROBINSON, G

ART UNIT	PAPER NUMBER
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2177

3

DATE MAILED: 12/28/00

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**



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*new*

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/189,615 11/09/98 GEBAUER

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TM02/1121

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*See attached Action.*

*1.0*

# Office Action Summary

Application No.  
**09/189,615**

Applicant(s)

**Gebauer**

Examiner

**Greta Robinson**

Group Art Unit

**2177**

☒ Responsive to communication(s) filed on Nov 9, 1998

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 35 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

## Disposition of Claim

☒ Claim(s) 1-20 is/are pending in the applicat

Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration

☐ Claim(s) \_\_\_\_\_ is/are allowed.

☒ Claim(s) 1-20 is/are rejected.

☐ Claim(s) \_\_\_\_\_ is/are objected to.

☐ Claims \_\_\_\_\_ are subject to restriction or election requirement.

## Application Papers

☒ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some\* ☒ None of the CERTIFIED copies of the priority documents have been

☐ received.

☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

☒ Notice of References Cited, PTO-892

☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 2

☐ Interview Summary, PTO-413

☒ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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#### DETAILED ACTION

1. Claims 1-20 are pending in the present application.

#### *Drawings*

2. The following is a quotation from 37 CFR 1.84(p)(4), detailing the use of reference characters in drawing:

“The same part of an invention appearing in more than one view of the drawing must always be designated by the same reference character, and the same reference character must never be used to designate different parts.”

3. The drawings are objected to as failing to comply with 37 CFR 1.84(p) (4) because reference character “54” has been used to designate both the Enterprise Server (see Figure 3) and the Client (see Figure 4). Correction is required.

4. The drawings are objected to as failing to comply with 37 CFR 1.84(p) (4) because there are numerous drawing elements, including but not limited to the Cool ICE System, Internet Terminal, Web Server, Internet, Enterprise Server, Departmental Server, Cool ICE Gateway, Cool ICE service Handler, Cool ICE Administrator, Cool Ice Repository, and Browser, that are referred to by different reference numbers on different Figures, notably on Figures 1, 3, 4, 5, 6, 9,

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and 10. The provisions of 37 CFR 1.84(p)(4) require that identical elements be labeled with identical reference numbers on all drawings throughout the application.

Correction is required.

5. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference sign(s) not mentioned in the description:

- a) reference numbers 144, 150, 162, and 174 in figure 6;
- b) reference numbers 246, 252, 268 and 274 in figure 9; and
- c) reference numbers 302, 304, 306, 308, 310, 312 and 314 in figure 10.

Correction is required.

6. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: 208 (see reference to 'path 208' on page 29, line 13). Correction is required.

The Applicant's cooperation is appreciated in correcting any additional instances of the above-cited errors of which they may become aware.

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7. Applicant is required to submit a proposed drawing correction in reply to this office action. However, formal drawings can be deferred until the Examiner has identified allowable subject matter.

Note form PTO 948 for Draftsperson's Review.

### *Specification*

8. The use of trademarks Cool ICE and Classic MAPPER has been noted in this application. They should be capitalized wherever they appear and be accompanied by the generic terminology. See MPEP §608.01(v).

Although the use of trademarks is permissible in patent applications, the propriety nature of the marks should be respected and every effort to prevent their use in any manner which might adversely affect their validity as trademarks.

9. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

The use of a trademark in the title of an application should be avoided. See MPEP §608.01(v). A patent title should be descriptive as to the functions of the invention, and should not contain proper names.

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10. The disclosure is objected to because the cited references to related Applications does not include the application numbers of the co-pending applications. See MPEP 608.01(p).

Appropriate correction is required.

11. The disclosure is objected to because of the following typographical errors:

- a) on page 3, line 19, the erroneous inclusion of a ':';
- b) on page 25, line 2, the erroneous inclusion of '.' after the word 'language';
- c) on page 27, line 3 the erroneous inclusion of a ',' after the word 'Fig';
- d) on page 31, line 4, the erroneous inclusion of a ';' in the URL; and
- f) on page 34, line 10, the erroneous inclusion of a ',' after the period.

Appropriate correction is required.

12. The disclosure is objected to because it is in conflict with the drawings.

On page 29, line 12, reference is made to 'path 156' of figure 6. However, in figure 6, reference number 156 refers to the 'Cool ICE Service Handler', and the said path is indicated by reference number 158.

Similarly, on page 31, line 13, reference is made to 'path 208' of figure 7. However, there is no reference number 208 in Figure 7; the said path is indicated by reference number 206.

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*Claim Rejections - 35 USC § 112*

13. Claims 1-5, 6-10 and 16-20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

With respect to **claim 1**, the following phrase is vague and unclear: *“the improvement comprising: sever responsively coupled to said user terminal via said publicly accessible digital communications network and responsively coupled to said data base management system wherein said server includes an administrator which optionally transfers an unavailability message to said user terminal”* [see claim 1 lines 1-7]. The Examiner objects to the grammatical language. The meaning of the term “responsively coupled” with respect to the claim is not understood. The Examiner suggests deleting the word responsively. The term “an administrator” is generally understood to be a person. The term should be replaced with language like ‘an administration management system’. Also the article “a” should be inserted before the word ‘server’ on line 7.

With respect to **claim 6**, the following phrase is vague: *“an administrator responsively coupled”* [claim 6 line 7]. The term ‘responsively’ is vague.

With respect to **claim 16**, the following notation is vague and/or indefinite, claim elements numbered 16(a), 16(b), 16(c) and 16(e). The lettered notation should be consecutive for clarity.

Claims 2-5, 7-10 and 17-20 are rejected based on depenency.



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***Claim Rejections - 35 USC § 102***

14. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

15. Claims 1-20 are rejected under 35 U.S.C. 102(b) as being anticipated by *Cool Ice User's Guide Release 1.0*.

With respect to claim 1, *Cool Ice User's Guide* teaches in a data processing environment having a user terminal coupled to a publicly accesible digital communications network and having a data base management system having with, the improvement comprising:

server responsively coupled to said terminal via said publically accessible digital communications network and responsively coupled to said data base management system wherein said server includes an administrator which optionally transfer an unavailability message to said user terminal [see: figure 1-1 The Cool ICE Environment; note page 1-4 section Designing Web Services ; figure 1-2 Cool ICE Components note administration component; see page 1-8 through 1-10 Cool ICE Administration options; also note page 1-15 and figure 1-4 flowchart for requesting a service].

*Cool Ice User's Guide* teaches the invention substantially as cited above, they teach a data processing environment which integrates multiple disparate, back-end database systems so that

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stored information can be accessed via the internet. Web services may be designed to return validation and confirmation of requests; also different levels of security may be programmed into the system for access.

16. With respect to claims 2-5:

(Claim 2) wherein said state manager includes a repository for storing said unavailability message [page 1-9 Cool ICE Service Repository].

(Claim 3) wherein said publically accessible digital communications network is the world wide web [page 1-2 Cool ICE and the Internet; also note figure 1-1].

(Claim 4) wherein said repository includes space for storage of at least one variable for said availability message [note Cool Ice Service Service Handler error logging feature page 1-6 through 1-7; page 2-16].

(Claim 5) wherein said data base management system is Classic MAPPER [note MAPPER page 1-5].

17. With respect to claim 6:

a. a user terminal having a user-id;

b. a publically accessible digital communications network coupled to said user terminal;

and

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c. A server responsively coupled to said publically accessible digital communications network;

d. A data base management system responsively coupled to said server; and

e. An administrator responsively coupled to said data base management system and said server for transferring an unavailability message from said server to said user terminal to indicate unavailability of said data base management system [page 1-4; also note section Access Log page 2-14 discusses providing information about when the system is busy; figures 1-1 and 1-2].

18. With respect to claims 7-10:

(Claim 7) wherein said data base management system has a repository having storage for said unavailability message [page 1-9].

(Claim 8) wherein said repository has storage for a variable to be included in said unavailability message [page 1-6 through 1-7 and page 2-16].

(Claim 9) wherein said publically accessible digital communications network is the world wide web [page 1-2; also note figure 1-1].

(Claim 10) wherein said user terminal is an industry compatible personal computer having a commercially available web browser [note requirements page 1-5 and figure 1-2].

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19. With respect to claim 11:

transmitting a service request ... determining whether said data base management system is currently capable of honoring said service request ... honoring said service request ... transferring an unavailability message to said terminal if said determining step determines that said data base management system is not currently capable of honoring said service request [page 2-14 through 2-15; note section request a service page 1-15; page 1-16 and 1-17].

20. With respect to claims 12-15:

wherein said transferring step further comprises transferring said availability message ... further comprises adding an appropriate variable to said unavailability message ... network further comprises the world wide web ... further comprises Classic MAPPER[note page 1-4 section Designing Web Services].

21. With respect to claim 16:

means for permitting a user to interact with a digital data base.... [note service handler determines whether the user is authorized to access the service page 1-15].

22. The limitations of claims 17-20 have been addressed above in claims 7-10; therefore they are rejected under the same rationale.

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***Conclusion***

23. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

**Rogers et al.** US Patent 6,094,655

**Schloss** US Patent 5,706,507

**Regnier et al.** US Patent 6,134,549

**Sliwa** *Unisys Middleware Links Databases to Web*

24. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Greta Robinson whose telephone number is (703)308-7565. The examiner can normally be reached Monday through Friday from 7:30 AM to 4:00 PM.

If any attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John E. Breene, can be reached at (703)305-9790.

**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

Washington, D.C. 20231

**or faxed to:**

(703)308-9051, (for formal communications)

**Or:**

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(703)308-6606, (for informal or draft communications, please label "PROPOSED" or "DRAFT")


Hand delivered responses should be brought to Crystal Park II, 2021 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703)305-9600.

Greta Robinson



November 8, 2000



JOHN BREENE  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100